



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP 19 2008

Mr. Javier J. Rua, Chair
Environmental Quality Board
Commonwealth of Puerto Rico
Post Office Box 11488
San Juan, Puerto Rico 00910

Re: Revisions of Puerto Rico Solid Waste Regulations

Dear Mr. Rua:

I am writing to you in reference to Puerto Rico's revised 1997 Solid Waste management regulations. Without consultation with the U.S. Environmental Protection Agency (EPA), Puerto Rico's Environmental Quality Board (EQB) changed the EPA-approved 1993 version of the regulations, upon which the solid waste program approval was granted. EPA has concerns regarding the consistency of the revised regulations with federal requirements set forth in Title 40 of the Code of Federal Regulations, Part 258.

As you may be aware, I had written to Governor Anibal Acevedo Vila regarding this issue on October 5, 2006 (see enclosed copy of the letter), and then to former Chairman of EQB, Carlos Lopez Freytes, on September 21, 2007 (see enclosed copy of the letter). Subsequent to our correspondence, Mr. Freytes, and my former Deputy Regional Administrator, Kathleen Callahan, agreed to have our staffs work together to restore the regulations so they were once again consistent with the Part 258 requirements. My staff, in both our Caribbean Environmental Protection Division in San Juan and in our New York office, have tried on numerous occasions to arrange a conference call with your staff to discuss resolution of this matter. To date, we have not received a response from your staff about setting up a call/meeting to address the deficiencies in the regulations.

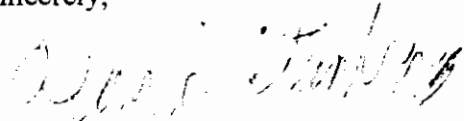
Please be advised that this matter is of urgent importance and failure to address it could result in withdrawal of Puerto Rico's solid waste program approval status (after publication of a notice in the Federal Register and a public comment period). Withdrawal of program approval would preclude Puerto Rico from expanding any existing landfills or constructing any new landfills.

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I sincerely hope you and your staff take immediate steps to address this matter. Please have your staff contact Walter Mugdan, Director of EPA Region 2's Division of Environmental Planning and Protection, at (212) 637-3724 as soon as possible to arrange a conference call to discuss this critical issue. You may call me at any time to discuss this matter, my number is (212) 637-5000. Thank you for your cooperation.

Sincerely,



Alan J. Steinberg
Regional Administrator

Enclosures

cc: Jorge Silva-Puras, Chief of Staff
Office of the Governor
Commonwealth of Puerto Rico, w/o encls.

Javier A. Quintana-Mendez
Executive Director
Solid Waste Management Authority, w/o encls.

Javier Velez-Arrocho, Director
Department of Natural and Environmental Resources
Commonwealth of Puerto Rico, w/o encls.

Roberto J. Sanches Ramos, Attorney General
Commonwealth of Puerto Rico, w/o encls.